

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-090966

02/22/2011

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT
M. Kay
Deputy

IN RE THE MATTER OF
DOMINIQUE J LOPEZ

DOMINIQUE J LOPEZ
PROTECTED

AND

ANTWON D ROWE

ANTWON D ROWE
2547 E MARGUERITE AVE APT 3
PHOENIX AZ 85040

AG-CHILD SUPPORT-EAST VALLEY
OFFICE
CONCILIATION SERVICES-SE
FINANCIAL SERVICES-BILLING-CCC
IV-D COMMISSIONER-SE

MINUTE ENTRY

Courtroom 403 – SEA

9:42 a.m. This is the time set for Resolution Management Conference re: Petitioner's Motion for Post-Decree Temporary Order Without Notice for Modification of Child Custody, Parenting Time and Child Support. Petitioner is present on her own behalf. Respondent is present on his own behalf.

A record of the proceeding is made by audio and/or videotape in lieu of a court reporter.

The Court has reviewed the case file and the pleadings filed by the parties.

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The docket reflects that Petitioner filed her Motion for Post-Decree Temporary Order on February 8, 2011. Respondent advised the Court that he was served with Petitioner's Motion on February 14, 2011.

IT IS ORDERED directing Respondent to file a formal written response to Petitioner's Motion for Post-Decree Temporary Order Without Notice for Modification of Child Custody, Parenting Time and Child Support no later than **March 4, 2011**.

The Court notes that this is an open and active IV-D case.

IT IS ORDERED referring this case to the IV-D Commissioner for modification of child support.

Dominique J. Lopez and Antwon D. Rowe are sworn and testify.

IT IS ORDERED affirming that the parties continue to have joint legal custody of the minor children, Ayanna (DOB: 12/8/05) and Brayden (DOB: 2/14/08).

IT IS FURTHER ORDERED that Petitioner/Mother shall have final decision making authority after reasonable consultation with Respondent/Father.

IT IS FURTHER ORDERED that Mother shall have final discretion in determining the time and nature of Father's parenting time to ensure that Father has a safe environment for the children to visit with him.

IT IS ORDERED referring the parties to Conciliation Services for post-decree mediation of child custody and/or parenting time issues. The parties shall comply with all instructions and directives issued by Conciliation Services.

IT IS FURTHER ORDERED that each party must pay the **\$100 per party** fee at the Clerk of the Court filing counter, at least 30 days before the mediation. Each party must bring the receipt for payment or deferral to the mediation. Forms to request a fee deferral are available at the filing counter.

IT IS FURTHER ORDERED setting Mediation for **March 15, 2011 at 8:00 a.m.** in Conciliation Services at:

**Maricopa County Superior Court
Southeast Regional Court Center
222 East Javelina, Suite 1300**

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Mesa, Arizona 85210

WARNING

IF YOU FAIL TO APPEAR AT THE MEDIATION AS ORDERED, YOU MAY BE REQUIRED TO PAY A \$100 NO SHOW FEE. IF YOU CANNOT ATTEND, YOU MUST REQUEST AND BE GRANTED PERMISSION FROM THE JUDGE IN YOUR CASE TO RESCHEDULE THE SESSION AT LEAST THREE FULL COURT DAYS BEFORE THE MEDIATION. IF AN AGREEMENT IS REACHED PRIOR TO YOUR APPOINTMENT DATE, YOU MUST SUBMIT A REQUEST TO THE JUDGE TO VACATE THE CONFERENCE AND WAIVE THE FEE IN ORDER TO AVOID FEE COLLECTION.

IT IS ORDERED setting an Evidentiary Hearing re: Petitioner's Petition to Modify Child Custody and Parenting Time on **March 25, 2011 at 9:00 a.m. (1 hour allowed)** in this Division at:

Maricopa County Superior Court
Southeast Judicial District
222 E. Javelina Avenue
Courtroom 403
Mesa, AZ 85210

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to the hearing.

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2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to the hearing.

3. Counsel and both parties shall personally meet, face to face, at least 20 days prior to the hearing to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company or business, medical or health care provider, or employer possessing any relevant and discoverable information.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances.
2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D) and 91(Q), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that each party shall deliver their exhibits to the Clerk of this Division no less than 5 days prior to the hearing. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits.

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IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, shall submit proposed findings of fact and conclusions of law to this Division no later than 20 days prior to trial. Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than 10 days prior to trial.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

9:55 a.m. Conference concludes.

FILED: Updated Address Information form.

LATER:

LET THE RECORD REFLECT prior to the commencement of today's proceeding, Respondent advised the above named Deputy Clerk that his current address is 2547 E. Marguerite Ave. Apt. 3, Phoenix, Arizona 85040.

LET THE RECORD FURTHER REFLECT the courtroom clerk has updated Respondent's address in ICIS as reflected on the Updated Address Information form filed this date.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

NOTE: ALL COURT PROCEEDINGS ARE RECORDED BY AUDIO METHOD AND NOT BY A COURT REPORTER. ANY PARTY MAY REQUEST THE

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**PRESENCE OF A COURT REPORTER BY CONTACTING THIS DIVISION THREE
(3) COURT BUSINESS DAYS BEFORE THE SCHEDULED HEARING.**

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.